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9 Attorneys for United States of America

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA,  
14 Plaintiff,  
15 v.  
16

17 SUSAN ELIZABETH KYLE,  
18 Defendant,

19 CALIFORNIA PUBLIC EMPLOYEES'  
20 RETIREMENT SYSTEM ("CALPERS"),  
21 Garnishee.

CASE NO. CR 18-00488-001 HSG

WRIT OF CONTINUING GARNISHMENT

22 TO: California Public Employees' Retirement System  
23 Attn: Legal Department  
24 400 P Street, Room 3340  
25 Sacramento, Ca 95811

26 **YOU ARE HEREBY COMMANDED TO GARNISH FOR THE BENEFIT OF THE**  
27 **UNITED STATES OF AMERICA PROPERTY IN YOUR POSSESSION IN WHICH THE**  
28 **DEFENDANT-JUDGMENT DEBTOR HAS A SUBSTANTIAL NONEXEMPT INTEREST.**

1 The name, last known address and last four digits of the social security number of the person  
2 who is the defendant-judgment debtor (“defendant”) in this action and whose property is subject to this  
3 Writ are as follows:

4 Susan Elizabeth Kyle - Reg No: 25265-111  
5 FCI Dublin  
5701 8th Street — Camp Parks  
6 Dublin, CA 94568  
Social Security Number (last four digits): XXX-XX-9961

7 This Writ has been issued at the request of the United States of America to enforce the collection  
8 of a criminal judgment entered in favor of the United States against the defendant for a debt in the  
9 original amount of \$490,438.00 (consisting of \$490,338.00 in restitution and a \$100.00 special  
10 assessment). Interest continues to accrue at a daily rate of \$34.26. There is a balance of approximately  
11 \$499,696.51.

12 The following are the steps that you must take to comply with this Writ. If you have any  
13 questions, you should consult with your attorney.

14 1. Pursuant to 28 U.S.C. § 3205(c)(2)(F), if you have in your custody, control, or possession  
15 any property of the defendant, in which the defendant has a substantial nonexempt interest, or if you  
16 obtain custody, control, or possession of such property while this Writ is in effect, you must  
17 immediately withhold such property from the defendant and retain it in your possession until you  
18 receive instructions from the Court which will tell you what to do with the property. Such property  
19 would include, but not be limited to, the retirement allowance payments made to defendant by the  
20 California Public Employees’ Retirement System “CalPERS”. With respect to such payments, you must  
21 withhold twenty-five percent (25%) of such amount(s) after all deductions required by law have been  
22 withheld. See 28 U.S.C. § § 3205(a) and 3002(9).

23 2. Pursuant to 28 U.S.C. § 3205(c)(2)(E), you are required to answer this Writ within 10  
24 days after service of this Writ upon you. You must answer the Writ even if you do not have in your  
25 custody, control, or possession, any property of the defendant. Pursuant to 28 U.S.C. § 3205(c)(4), your  
26 answer must state, under oath, the following information:

27 a. Whether or not you have in your custody, control, or possession, any property  
28

- 1 owned by the defendant in which the defendant has a substantial nonexempt  
2 interest, including nonexempt disposable earnings;
- 3 b. a description of such property and the value of such property;
- 4 c. a description of any previous garnishments to which such property is subject  
5 and the extent to which any remaining property is not exempt; and
- 6 d. the amount of the debt you anticipate owing to the defendant in the future and  
7 whether the period for payment will be weekly or another specified period.

8 For your convenience, a form which addresses the above-requested information is attached and  
9 may be used to answer the Writ.

10 3. After you complete the answer under oath, pursuant to 28 U.S.C. § 3205(c)(2)(E) and  
11 (c)(4), within ten (10) days after service of this Writ upon you, you must **mail or deliver** the original  
12 answer bearing the original signature of the person preparing the answer to the Court at the following  
13 address:

14 Office of the Clerk  
15 United States District Court  
1301 Clay Street, Suite 400 S  
Oakland, CA 94612

16 At the same time you mail or deliver the original answer to the Court, you must also **mail or**  
17 **deliver** a copy of the original answer to both the defendant and attorney for the United States at the  
18 following respective addresses:

19 Susan Elizabeth Kyle - Reg No: 25265-111  
20 FCI Dublin  
5701 8<sup>th</sup> Street — Camp Parks  
21 Dublin, CA 94568

22 Julie C. Reagin  
23 Assistant U.S. Attorney  
450 Golden Gate Avenue, 9th Floor  
24 P.O. Box 36055  
San Francisco, CA 94102

25 Please note that the attached form answer contains a **certificate of service** which needs to be  
26 completed by the person mailing the copies of the answer to the defendant and the attorney for the  
27 United States, and which needs to be filed with the Court along with the answer.  
28

1 IF YOU FAIL TO ANSWER THIS WRIT OR FAIL TO WITHHOLD PROPERTY IN  
2 ACCORDANCE WITH THIS WRIT, THE UNITED STATES MAY PETITION THE COURT  
3 FOR AN ORDER REQUIRING YOU TO APPEAR BEFORE THE COURT TO ANSWER THE  
4 WRIT AND TO WITHHOLD PROPERTY IN ACCORDANCE WITH THE WRIT BEFORE  
5 THE APPEARANCE DATE. IF YOU FAIL TO APPEAR OR DO APPEAR AND FAIL TO  
6 SHOW GOOD CAUSE WHY YOU FAILED TO COMPLY WITH THIS WRIT, THE COURT  
7 WILL ENTER A JUDGMENT AGAINST YOU FOR THE VALUE OF THE DEFENDANT'S  
8 NONEXEMPT INTEREST IN SUCH PROPERTY (INCLUDING NONEXEMPT DISPOSABLE  
9 EARNINGS). THE COURT MAY ALSO AWARD A REASONABLE ATTORNEY'S FEE TO  
10 THE UNITED STATES AND AGAINST YOU IF THE WRIT IS NOT ANSWERED WITHIN  
11 THE TIME SPECIFIED HEREIN AND IF THE UNITED STATES FILES A PETITION  
12 REQUIRING YOU TO APPEAR.

13  
14 SUSAN Y. SOONG,  
15 Clerk of the Court  
16 United States District Court for the  
17 Northern District of California  
18 *Susan Y. Soong*



*Jessie Mosley*

19 Dated: 12/03/2019

20 By: Jessie Mosley  
21 Deputy Clerk  
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23  
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